

Notice of Allowability	Application No.	Applicant(s)	
	09/995,987	JORGENSEN ET AL.	
	Examiner	Art Unit	
	Paul A. Zucker	1621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-29, 31, 32, 58 and 62-65 renumbered 1-36, respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>1/28/02, 4/23/02</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20040716</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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DETAILED ACTION

REJOINDER

1. Claim 1 is directed to an allowable product. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), claim 58, directed to the process of making or using the patentable product, previously withdrawn from consideration as a result of a restriction requirement, is now subject to being rejoined. Claim 58 is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Since all active claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement made in the Office action mailed on 18 August 2003 is hereby withdrawn.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Len S. Smith on July 15, 2004.

The claims have been amended as follows:

Claims 46-57 and 59-61 have been canceled.

Claim 58, line 1: The phrase [or prevention] has been deleted.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure: Hulin et al (US 6,297,269-B1 10-2001). Hulin discloses a genus of glycogen phosphorylase inhibitors of general Formula I which share some structural similarities (with the appropriate selection of values for Hulin's compounds of R₃, R₄, R₅, R₆, R₇) with the instantly claimed compounds but are distinguished from the instantly claimed compounds by the instant -CH(R₂)N(E)XD substitution on Z.
4. All Post-Allowance correspondence concerning this application must be mailed to the following address: BOX ISSUE FEE, COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 or fax them to The Office of Patent Publications at 703-308-5083 in order to expedite the handling of such correspondence (amendments under 37 CFR 1.132; information disclosure statements, formal drawings, etc.) Sending Post-Allowance papers to the technology center will only cause delays in matching papers with the case.

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Contact Information

For information concerning:

- Status of correspondence sent after receipt of the Notice of Allowance
 - ◆ **Contact – Correspondence Branch at 703-305-8027**
- Notices of Abandonment for failure to pay the Issue Fee or Failure to submit formal drawings Contact – 703-305-5358/5340 or by fax 703-305-8755
- Issue Fees that have not been paid for at LEAST 3 months, but no issue notification has been received Contact – 703-305-8263
- Non-receipt of the Letters Patent Contact – 703-305-8263
- Status of application after the Issue Fee has been paid
- Status of Issue Fee payments or status of receipt of Issue Fees
- Status of allowed applications after receipt of drawings or fees
- Status of receipt of formal drawings after allowance
- ◆ **Contact – Customer Service at 888-786-0101 or 703-308-6789 or 703-305-8497 or 703-305-8495 or 703-308-6790 or by fax at 703-308-5065**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Zucker whose telephone number is 571-272-0650. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Paul A. Zucker', is written over a horizontal line.

Paul A. Zucker, Ph. D.
Patent Examiner
Technology Center 1600